

PUBLIC NOTICE: 06-57

**NOTICE OF PROPOSED ADMINISTRATIVE PENALTY ASSESSMENTS AND
OPPORTUNITY TO COMMENT**

AGENCY: United States Environmental Protection Agency (EPA)
Region 2
290 Broadway
New York, NY 10007

ACTION: Notice of Proposed Administrative Penalty Assessments and Opportunity to
Comment

SUMMARY: EPA is providing notice of a proposed administrative penalty assessment for
alleged violations of the Clean Water Act (Act). EPA is also providing notice of opportunity to
comment on the proposed penalty assessment.

Under 33 U.S.C. §1319(g), EPA is authorized to issue Orders assessing civil penalties for various
violations of the Act. EPA may issue such Orders after the commencement of a Class I or Class
II penalty proceeding. EPA provides Public Notice of the proposed assessment pursuant to 33
U.S.C. §1319(g)(4)(A)

Administrative civil penalty proceedings are conducted under EPA's "Consolidated Rules of
Practice Governing The Administrative Assessment of Civil Penalties, Issuance of Compliance
or Corrective Action Orders and the Revocation Termination or Suspension of Permits", 40 CFR
Part 22. The procedures through which the public may submit written comment on a proposed
administrative penalty action or participate in an administrative penalty proceeding, and the
procedures by which a Respondent may request a Hearing, are set forth in the Consolidated
Rules. The deadline for submitting public comment on this administrative civil penalty
proceeding is thirty (30) days after issuance of this Public Notice.

On date identified below, EPA commenced the following administrative action for the
assessment of administrative civil penalties: In the matter of **Regency Park Associates, SE,
Hipermercado Pitusa (Gurabo)**, P.O. Box 13171, San Juan, Puerto Rico 00919, Docket NO.
CWA-02-2006-3324; Filed on **August 2, 2006** with Regional Hearing Clerk Karen Maples, EPA
Region 2, 290 Broadway, 16th Floor, New York, New York 10007 (212) 637-3110; Proposed
Penalty: **\$11,000** for failure to apply and obtain a NPDES General Permit for Storm Water
Discharges from Construction Activities at the Hipermercado Pitusa site located on PR-189 in
Gurabo, Puerto Rico, 00735 as required by the storm water regulations.

FOR FURTHER INFORMATION: Persons wishing to receive a copy of EPA's Consolidated
Rules, Review the Complaint or other documents filed in these proceedings, comment upon the
proposed assessments, or otherwise participate in any of the proceedings, should contact the
Regional Hearing Karen Maples, EPA Region 2, 290 Broadway, 16th Floor, New York, New
York 10007 (212) 637-3110. Unless otherwise noted, the administrative record for these
proceedings is located in the EPA Regional Office identified above, and the files will be open for
public inspection during normal business hours. All information submitted by the Respondent is
available as part of the administrative record, subject to provisions of law restricting public
disclosure of confidential information.

EPA has provided the Respondent with an Expedited Settlement Offer in an effort to promptly settle this matter. In order to provide opportunity for public comment, EPA will take no final action in this proceeding prior to thirty (30) days after issuance of this Notice.

Dated: 8/2/06

**Dore Laposta, Director
Division of Enforcement and
Compliance Assistance**